

Serial No.: 10/541,823
Atty. Docket No.: P70681US0

REMARKS

The Office Action mailed June 2, 2008 was a Notice of Non-Compliant Amendment in which the Examiner stated that the Amendment filed on March 11, 2008 ("the March Amendment"), was not fully responsive to the prior Office Action. Applicants request reconsideration of this determination.

In finding the March Amendment to be not fully responsive, the Examiner stated that, as amended therein, the independent claims each recited a carrier sheet and a separate layer of hydrophobic adhesive on the second surface of the claimed adhesive wafer. This combination of features was stated to render all of the claims as being drawn to an invention that was not originally presented or examined on the merits.

In support of this statement, the Examiner cited page 8, lines 16-25, pertaining to an embodiment of the present invention having a separate adhesive layer on the second surface of the wafer and not including a carrier sheet on the part of the second surface surrounding the stoma. The Examiner indicated this is contrary to claim "1", i.e., claim 37, in which it is implied that the part of the second surface around the stoma is covered with a carrier sheet.

Serial No.: 10/541,823
Atty. Docket No.: P70681US0

In addition, the Examiner stated that claims 48, 50 and 51 did not originally recite either a carrier sheet or a second layer of hydrophobic adhesive.

In response to the Examiner's first point, Applicants refer to the first embodiment described in the specification on page 5, line 27, to page 7, line 23. This embodiment provides that the wafer has a second surface covered by a carrier sheet (page 5, lines 29-30), and then further describes that, in a preferred form of this embodiment, "a part of the second surface of the carrier sheet surrounding the stoma is provided with a hydrophobic adhesive [layer]" (page 7, lines 10-11). While the word "layer" is not included, it is nonetheless implicit that a hydrophobic adhesive layer is intended given the preferred nature of the adhesive wafer as a hydrocolloid adhesive, a different type of adhesive. In addition, the statement on page 7 that the second surface *is provided with a hydrophobic adhesive* makes it evident that a separate layer is in view.

With respect to the originally presented invention, in originally filed claim 1, an adhesive wafer was claimed having a second surface covered with a carrier sheet. In originally filed claim 3, dependent thereon, "the part of the second surface surrounding the stoma" was claimed as being "provided with a hydrophobic adhesive". Hence, the combination of a wafer having a

Serial No.: 10/541,823
Atty. Docket No.: P70681US0

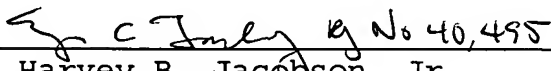
carrier sheet on the second surface and a separate hydrophobic adhesive layer on the part of the second surface surrounding the stoma was originally presented for examination on the merits.

Finally, in response to the Examiner's second point, it is Applicants' position that, based on the foregoing, the currently pending claims including claims 48, 50 and 51 are drawn to an originally presented invention. Favorable reconsideration and withdrawal of the Notice of Non-Compliant Amendment is therefore requested.

With the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By  No 40,495
* Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: July 1, 2008
HBJ/SCB

R:\SBAILEY\2008\07-08\P70681US.NCA